

EXHIBIT 14

SGT. GRAY'S DEPO

Q. Do you have any idea pursuant to what
11 authority police internal affairs investigated
12 the fire department for a non-criminal
13 activity?
14 A. My police chief assigned that investigation to
15 me and Corporal Frank Reeves, so that's pretty
16 much the authority that I followed.
17 Q. So the authority -- whatever the police chief
18 decides to assign you, that's the authority?
19 A. That's -- that's the -- whose -- under whose
20 authority I investigated that case.
21 Q. Did you give the people that you investigated
22 at the fire department the garrity notice?

PAGE 28

10 A. The judge is not my department head. I get my
11 orders and directions from my department head
12 or my supervisors. Judge Gordon did not come
13 directly to me and ask me to investigate.
14 Q. Can you read what you said there?
15 A. "The judge asked for an investigation from the
16 chief because he has the investigators that
17 can actually look into something and has time
18 to actually look into it."
19 Q. Now, can I assume from your statement that
20 somebody communicated to you that the judge
21 had asked the chief to conduct an
22 investigation?
23 A. Yes.
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1 Q. Who told you that?
2 MS. NELSON: If you know.
3 A. I'm -- it had to have been from the chief.

PAGE 43

Q. Do you know pursuant to what authority the
18 judge initiated this investigation?
19 MS. NELSON: Object to the form.
20 A. No.

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12 Q. All right. Let me ask you this: Do you know
13 for a fact -- I'm sorry. Let me back up.

14 What chief told you to conduct this
15 investigation; what was the name of that
16 chief?

17 A. John White.

18 Q. All right. Do you know what independent facts
19 that Judge White (sic) had concerning the
20 incident that you was investigating prior to
21 your initiating the investigation?

22 A. No, I don't know the facts that he had. He
23 did direct me to talk to the judge about the

0049

1 investigation. He directed me.

2 Q. So you did, at some point, talk to the judge?

3 A. Yes.

4 Q. Did you make a transcript of that discussion?

5 A. No.

6 Q. Why not?

7 A. I just didn't.

8 Q. All right. Do you recall what the judge may
9 have said to you?

10 A. Yes. That when it had come to her attention
11 that Mary Beth Brackin possibly made
12 statements to a defendant in a criminal case
13 in her court, that her attorney that was
14 representing her was basically incompetent --
15 and those aren't the words that she used.
16 Those are what I'm paraphrasing.

17 Q. Well, don't paraphrase. What were the words
18 she used?

19 A. I can't -- I don't remember the exact words.

20 Q. Oh, okay.

21 A. Just that there was some possible misconduct
22 from Mary Beth Brackin, insinuating that
23 Ms. Ralpeje may want to seek another attorney

0050

1 because of her attorney giving her some
2 information that she thought wasn't good.

PAGE 50 3 Q. So in essence, your investigation was to see
4 if Mary Brackin had bad mouthed another
5 attorney -- I'm sorry -- an attorney, not
6 another attorney, an attorney?

7 MS. NELSON: Object to the form.

8 A. Giving legal advice to a defendant of a case
9 when her job description didn't reflect that
10 that was one of her duties.

11 Q. What was the legal advice she had given?

12 A. Now, you said that's what the allegations
13 were, and that's what I was told to
14 investigate. So --

15 Q. But what was the legal advice that she had
16 allegedly gave to Ms. Ralpeje?

17 A. Just a second.

18 MS. NELSON: He's reviewing --

19 MR. JAFFREE: Sure.

20 MS. NELSON: -- a memo he did like six
21 years ago.

22 MR. JAFFREE: But he indicated he had
23 reviewed some of this record.

0051

1 MS. NELSON: But he said not necessarily
2 this one.

3 MR. JAFFREE: Well, he said not
4 necessarily the transcript.

5 MS. NELSON: Well, you didn't ask him
6 about the memo. Anyway, he can --

7 MR. JAFFREE: Well, I didn't know his
8 review was limited because I thought
9 that --

10 MS. NELSON: Well, you didn't ask him.

11 MR. JAFFREE: If he was prepared, he would
12 be reviewing what I may cover.

13 MS. NELSON: You know, he can sit here and
14 review it all day if he needs to.

15 A. Specifically, that a magistrate which was to
16 be Mary Brackin told Ms. Ralpeje that she
17 should ask for another lawyer because they had
18 many complaints about Shaun, referring to
19 Attorney Shaun McGhee, and the first thing she
20 should do is get rid of Shaun.

21 Q. That the first thing who should do is get rid
22 of Shaun?

23 A. Ms. McGhee -- excuse me. Ms. Ralpeje.

0052

1 Q. Ms. Ralpeje --

2 A. Yes.

3 Q. -- should get rid of Shaun.

4 So the judge told you that she had heard
5 that?

6 A. The judge advised me that -- that her
7 employee, Ms. Brackin, made -- there were
8 allegations that she made statements to
9 Ms. Ralpeje that Mr. McGhee gave her some --
10 pretty much bad advice. And that's not -- I'm
11 paraphrasing the words, that the allegations
12 were that Ms. Brackin overstepped her
13 authority as a magistrate by providing -- by
14 telling a defendant in a case that her counsel
15 was inadequate.

16 Q. But that constitutes pretty much the bulk of
17 the discussion you had with Judge Gordon?

18 A. That was the gist of it.

Q. Well, we'll get into that in a minute, but let
5 me go back again.

6 Based on what the judge told you, as you
7 have just stated, from your experience, which
8 is quite lengthy as a member of the police
9 force, is there a potential crime in any of
10 that allegation, a criminal activity in any of
11 that allegation?

12 A. Not that I know of. And that wasn't -- I
13 wasn't investigating it as a criminal
14 investigator. I was investigating it as an
15 administrative investigator.

16 Q. Do you know if prior to your discussion with
17 Ms. Brackin you gave her a garrity notice?

18 A. I wouldn't have.

19 Q. You wouldn't have?

20 A. No.

21 Q. Do you know if anyone gave her the garrity
22 notice?

23 A. You're saying prior to an interview?

0055

1 Q. Yeah. Just prior to your --

2 A. Prior to even talking to her?

3 Q. Prior to taking her statement, yeah.

4 A. Hold on.

5 Q. I'm not trying to trap you. You did give her
6 a garrity notice.

7 A. I would have.

8 MS. NELSON: Well, again, I'd object to
9 the form. Do you know you did?

10 MR. JAFFREE: Yeah. It's part of the --

11 MS. NELSON: It is? Where?

12 MR. JAFFREE: Right here (indicating).

8 Q. Do you remember what Ms. Brackin's position
9 was with respect to the allegation that she
10 had accused an attorney of literally being
11 incompetent, and there's been several
12 complaints against this attorney?

13 A. Yes.

14 Q. She did deny the allegation, correct?

15 A. Correct.

16 Q. She also indicated that she hardly knew that
17 attorney, correct?

18 A. No, that's incorrect.

19 Q. That's not correct?

20 A. No, sir. She said that she thought that they
21 had a -- a very -- quote, unquote, had a very
22 good rapport with Mr. McGhee.

23 Q. But she also said, quote, I'd only worked with

0061

1 him one time in court, unquote.

2 MS. NELSON: What are you reading from?

3 MR. JAFFREE: Number 1281, page 6.

4 MS. NELSON: Page 6.

5 Q. Matter of fact, I did my statement a
6 injustice. To read the complete paragraph of
7 what she said, that's even an injustice. Let
8 me read you a question of hers.

9 "Okay. And -- but do you know Shaun
10 McGhee?"

11 Answer: "Yes."

12 That's Mary Beth's answer.

13 Here's your question -- I'm not -- not
14 your question. This is Mr Coleman's question,
15 but you was there when Coleman was asking
16 these questions, correct?

17 A. Yes, sir.

18 Q. Mr. Coleman said, "Well, how long have you
19 known Shaun McGhee?"

20 Her response: "I don't really -- I think
21 I was introduced to him, you know. It was
22 either while we were in court and he -- right
23 before he became the public defender. But as

0062

1 far as -- I'd only worked with him one time in
2 court."

3 So based on --

4 MS. NELSON: Well, you're not going on
5 to -- if you'd go on.

6 MR. JAFFREE: Well, I don't want to go on.

7 MS. NELSON: You don't want to go on?

8 Okay. Well, I'd ask that the Record
9 be complete as to the rest of the
10 statement, that she had a good rapport
11 from him -- with him.

12 MR. JAFFREE: Well, okay. Since you
13 insist.

14 Q. Mr. Coleman said, "Okay."

15 And Ms. Brackin said, "and I had a very
16 good rapport with him. And, in fact, I told
17 Donna that, you know, he was going to be a --
18 be good for us, that he had done a real good
19 job."

20 Now, you understand, she's referring to
21 the one time she saw him, correct?

22 MS. NELSON: Object to the form.

23 A. Not to twist everything up, but according to
0063

1 what you just read, it says that when she met
2 him, it was in court. This document doesn't
3 say how long they may have known each other,
4 and it doesn't give a specific date on when
5 they were in court when they met. So I cannot
6 assume just by this document that this is the
7 first time they met because that's not what it
8 says as far as how long they've known each
9 other.

10 Q. Well, do you generally get introduced to
11 people that you have known for a long time?

12 MS. NELSON: Object to the form.

13 Q. As far as you know, the term, I was introduced
14 to him?

15 A. To answer your question, no.

Q. But, also, the part of my question dealt with
13 her saying that Ms. Brackin had said, we had
14 numerous complaints against him. You won't

15 find that at all in her testimony.

16 A. That's correct.

PAGE 66 17 Q. There's Donna Grumbach was right next to her
18 who didn't confirm any of that either.

19 MS. NELSON: Are you testifying,
20 Mr. Jaffree?

21 MR. JAFFREE: Well, I'm asking him if --

22 MS. NELSON: Is that a question?

23 Q. Do you agree that Donna Grumbach did not

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1 confirm any of that allegation about the
2 incompetence or numerous complaints?

3 A. She did not.

Q. Do you remember doing an investigation because
7 there was a statement on Rickey Stokes' web
8 site indicating that an internal affairs --
9 some type of investigation was being conducted
10 on Mary Turner?

11 A. Yes.

12 Q. Who initiated that investigation that you were
13 involved in?

14 A. That would have come -- as I said, our
15 investigations, if it came from a different
16 department, would come from the department
17 head or his designee. I believe this one came
18 from --

19 MS. NELSON: He's referring to his memo to
20 chief of police regarding this
21 investigation.

22 A. Chief Powell was the one that advised me to
23 begin the investigation as it relates to the

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1 unlawful or -- or the unauthorized release of
2 information and involving Mary Turner, the
3 same thing -- same thing you're talking about.

4 Q. What supposedly was the scope of that
5 investigation?

6 MS. NELSON: Which investigation are we
7 talking about?

8 MR. JAFFREE: The investigation we were
9 just talking about, the one
10 involving --

11 MS. NELSON: Mary Turner?

12 MR. JAFFREE: Well, no. I'm talking about

13 the one involving the release of
14 information concerning Mary Turner.
15 MS. NELSON: Well, it's hard, you know,
16 just to make a gigantic leap -- as you
17 call the being pregnant and having the
18 baby, it's hard to make a leap to like
19 the second baby, what you're asking
20 him to do.

21 MR. JAFFREE: With the --

22 MS. NELSON: I mean, I know you're trying
23 to speed things along.

0076

1 Q. The release of information concerning
2 Ms. Turner, what was supposed to be the scope
3 of that investigation?
4 A. The magistrates' office had been advised by
5 Judge Gordon to not release any information to
6 anyone regarding the Mary Turner investigation
7 where she was put on administrative leave.
8 After the judge advised her employees of that,
9 there was, indeed, a leak of that
10 investigation to a -- the media which was
11 known as Rickey Stokes or The Houston, which I
12 think is the name of his paper, but it goes
13 through -- Rickey Stokes is the -- I think the
14 principal in that business.

15 Q. Okay. So what was supposed to be the scope of
16 that investigation?

17 A. The -- who released the information as far as
18 the investigation on Mary Turner was the scope
19 because the judge -- the judge had already
20 directed the employees not to --

21 Q. So you were trying to --

22 MS. NELSON: Well, you're cutting him
23 off. Not to --

Q. So you were trying to --

22 MS. NELSON: Well, you're cutting him
23 off. Not to --

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1 MR. JAFFREE: I'm sorry.

2 MS. NELSON: Let him finish what her
3 directives were.

4 A. Not to release information, not to talk about

5 the investigation of Mary Turner. And after
6 that directive was given by the judge, someone
7 evidently did, which was on Rickey Stokes' web
8 site.

9 Q. So the mischief thought to be pursued in that
10 that investigation was, who released the
11 information?

12 MS. NELSON: Object to your form, again,
13 as -- with your mischief. I don't
14 know what you mean by "mischief."

15 MR. JAFFREE: Well, I like that word.

16 MS. NELSON: Well, you must because you
17 used it many times yesterday. But, I
18 mean, if you could say like --

19 MR. JAFFREE: I used it twice.

20 MS. NELSON: -- what was the --

21 MR. JAFFREE: What's wrong with --

22 MS. NELSON: -- purpose of the
23 investigation. I mean, mischief

0078

1 connotes some --

2 MR. JAFFREE: Well, let me ask this
3 witness --

4 MS. NELSON: I'll ask that you use another
5 word besides mischief.

6 MR. JAFFREE: I will if the witness
7 doesn't understand what I mean by the
8 word.

9 A. Specifically, what are you talking about as
10 far as mischief is concerned?

11 Q. Well, I'll --

12 MS. NELSON: Reason, purpose, why did you
13 do this, you know. Let's just talk on
14 plain words.

15 Q. The purpose of this --

16 MR. JAFFREE: Well, it's plain English to
17 me.

18 Q. But the purpose of this investigation was to
19 find out who released information; is that
20 correct?

21 A. Yes, sir.

22 Q. And that was supposed to be the scope of the
23 investigation?

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1 A. Of this investigation? Yes, sir.

2 Q. That was your charge?

3 A. Yes, sir.

4 Q. What, if any, criminal statutes may have been
5 implicated by the release of this information?

6 A. I don't know of any that would have been
7 criminal.

8 Q. This wasn't criminal at all?

9 MS. NELSON: Object to the form. He
10 didn't say that.

11 MR. JAFFREE: Well, he sort of said
12 something like that. That's what I
13 heard.

14 MS. NELSON: Well, I'll ask that his
15 testimony stand instead of your
16 paraphrasing what he said. He said he
17 didn't know of any.

18 Q. I'll live with your response. I have a
19 feeling if it was up to opposing counsel, I
20 wouldn't get a chance to ask you anything.

21 A. I enjoy talking to you.

22 Q. Thank you.

23 So did you talk to people to find out who

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1 exposed the very information that the judge
2 warned them not to disclose?

3 A. Yes, sir.

4 Q. Prior to talking to people, did you talk to
5 the judge?

6 A. Yes, sir.

7 Q. Was that discussion recorded?

8 A. No, sir.

9 Q. Why did you care who released information to
10 the media?

11 MS. NELSON: Object to the form. I don't
12 know that he ever testified that he
13 did care.

14 Q. Well, did you care?

15 MS. NELSON: He was doing his job.

16 MR. JAFFREE: Well, he didn't indicate
17 that he didn't care.

18 Q. I mean, did you care?

19 MS. NELSON: Care in what --

20 A. I don't -- I don't have any -- I didn't have
21 any personal feelings. And if that's what you
22 mean by "care," I didn't have any personal

23 feelings on who did it. It was a directive
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1 that wasn't followed that I was told to
2 investigate, and that was it.

23 Q. Just so we're clear, is the publication of
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1 this information on the web site that
2 triggered this investigation, the
3 investigation we was talking about, that
4 caused you to go out and interview other
5 members of the judicial department?

6 A. That's correct.

7 Q. Did you interview any members of the police
8 force?

12 Q. You may have been subsequently informed that
13 it was on the web site?

14 A. Yes, sir.

15 Q. And the new investigation was to find out who
16 leaked it?

17 A. Yes.

18 Q. That was your charge?

19 A. Yes, sir.

20 Q. And you told the people that you was
21 investigating it, and this was your charge?

22 A. Uh-huh (positive response).

23 MS. NELSON: You need to say yes or no so
0095

3 Q. Now, in order for this to get on a web site,
4 somebody must have told somebody about
5 information concerning the investigation.

6 Are you following me?

7 A. Yes, sir.

8 Q. Is that correct?

9 A. I'm following you.

10 Q. Somebody must have told somebody. When you
11 interviewed people, did you ask them if they
12 talked to anybody about what the judge had
13 told them not to talk about?

14 A. Yes.

15 Q. Because if they talked to somebody about what
16 the judge had told them not to talk about,

17 then they did something in violation of the
18 judge's directive; is that correct?

19 A. The judge directed them not to talk about the
20 case.

21 Q. Did you --

22 MS. NELSON: Are you finished?

23 A. That's correct.

0096

1 Q. Did you discover, in talking to members of the
2 judicial department staff that some members
3 had, in fact, talked to people?

4 A. Yes.

5 Q. Did you interview these people that they said
6 they had talked to, to see if they had, in
7 turn, talked to any people?

8 A. Did I interview the people that were alleged
9 to have received the information?

10 Q. Yeah.

11 A. Then, no.

12 Q. Well, if you was trying to track down who gave
13 information to Rickey Stokes and anybody who
14 had the information, either firsthand,
15 secondhand, or thirdhand, could have given
16 that information to Rickey Stokes, did you not
17 feel the need to talk to the people that they
18 had talked to?

19 A. No.

20 Q. Didn't find any need?

21 A. No.

22 Q. Why not?

23 A. If an employee told me that they spoke to

0097

1 someone else about the investigation, that
2 individual is not the focus of the directive
3 that the judge gave or the investigation.
4 That's someone that's on the outside that was
5 told by a magistrate something -- something
6 that was going on.

7 Q. So you didn't care that Rickey Stokes had the
8 information; you were only concerned with
9 whether or not somebody in the magistrates'
10 office gave that information?

11 MS. NELSON: Object to whether he cared or
12 not --

13 Q. Is that correct?

14 MS. NELSON: -- as to his -- your
15 interpretation of your question about
16 whether or not he cared. It's an
17 improper question.

18 Q. Is that correct?

19 A. I don't have any personal feelings about that
20 -- the release of that information. My charge
21 was to investigate who may have leaked the
22 information as it came out of the magistrates'
23 office.

0098

1 Q. So your concern was not whoever gave the
2 information to Rickey Stokes; your concern was
3 whether or not somebody from the magistrates'
4 office gave the information to Rickey Stokes?

5 A. My investigation was to who leaked the
6 information, and it was dealing with the
7 magistrates that were under -- that had
8 asked -- been asked questions by internal
9 affairs in regards to the release of that --
10 that information. So the information that was
11 on the web site was being I guess -- I was I
12 directed to investigate the persons out of the
13 magistrates' office who could have possibly
14 leaked that information to the web site.

15 Q. Well, in your opinion, anyone from the
16 magistrates' office that talked to anyone
17 about the investigation, would they be in
18 violation of the judge's direction not to talk
19 to anyone?

20 A. If the judge -- the judge directed them not to
21 speak to anybody about that investigation,
22 then that's correct. It -- that was her
23 directive?

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1 Q. So everyone who spoke to someone was in
2 violation of the judge's directive?

3 A. The judge's directive was clear. And --

4 Q. Well, did you realize at the time you was
5 talking to the members of the judge's staff,
6 or if there's any ambiguity, the members of
7 the judicial department who admitted that they
8 had spoken to someone, that they had violated

9 the judge's directive?
10 A. Yes, I knew at the time.
11 Q. Did you recommend any kind of disciplinary
12 action because these people had violated the
13 judge's directive?
14 A. I don't recommend discipline in this -- I did
15 not recommend discipline in this case.
16 Q. Did you point out any type of the personnel
17 policy rules that may have been violated with
18 respect to the people who had communicated
19 information to someone about an investigation
20 was ongoing?
21 A. That was a mouthful. Could you say that
22 again, please?
23 Q. Did you recommend in your report what
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1 personnel rules may have been violated by the
2 people who provided information to third
3 parties in violation of the judge's directive?
4 (Brief pause)
5 A. I told the judge that employees had spoke
6 about this case to spouses, things of that
7 nature; I did tell her that had occurred.

A. With regards to this investigation, the judge,
11 basically, told me during the allegation what
12 the offense was and -- which I explained to
13 you earlier, which was Ms. Brackin giving what
14 she termed to be legal advice to Ms. Ralpeje.
15 Q. Well, what major offense was that?
16 A. And so that was -- that was just -- that was
17 the charge to -- to find out. So there was
18 already -- I was told what the allegations
19 were. So after I just found the facts, I
20 didn't have to rewrite what her --
21 Q. Oh, she'd given you a personnel rule violation
22 in that case? And we're talking about the
23 2001 case, right? She had already given you a
0108
1 personnel violation?
2 MS. NELSON: Object to form. That's not
3 what he testified to.
4 MR. JAFFREE: Well, I'm trying to find
5 out.

6 Q. What are you testifying to? What did she give
7 you?

8 A. As I've just stated, she said that I needed to
9 look into allegations that Mary Beth Brackin
10 was giving legal advice to Ms. Ralpeje, a
11 defendant in a criminal case. So I just
12 investigated the allegations and gave her the
13 facts of the allegations.

14 Q. But, here, you felt you needed to do more?

15 MS. NELSON: "Here," you're referring to
16 the --

17 A. This is a release of --

18 MS. NELSON: Insubordination by Mary Beth
19 Brackin.

20 Q. I'm a little -- excuse me. If you was
21 investigating the release of information, what
22 does Mary Beth talking to Mary Turner have to
23 do with the release of information? Because

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1 that was your investigation. What
2 does -- you're looking at the release of
3 information, and then you talk about some
4 contact. What does that have to do with
5 release of information?

6 MS. NELSON: Again, object to the form.
7 He stated that the release of
8 information started the investigation.

9 MR. JAFFREE: Can I ask him?

10 MS. NELSON: Yes, you can.

11 MR. JAFFREE: Now, I know how bad you want
12 to infiltrate this Record with your
13 comments, but if I could just hear
14 from him.

15 MS. NELSON: I'm just trying to keep a
16 clean record, and you're inferences
17 and testimony and confusion --

18 MR. JAFFREE: Well, I'm asking him.

19 MS. NELSON: -- have done nothing to allow
20 the Record to be clear.

21 Q. If your charge was who leaked information,
22 does Mary Beth Brackin speaking to Mary Turner
23 have anything to do with who leaked

0110

1 information?

2 A. I would consider that leaking information.

3 Q. Oh, you would?

4 A. Mary Beth Brackin was interviewed like
5 everybody else was. She released information,
6 talking to Mary Turner about the investigation
7 when she was directed not to by the judge.

8 Q. Well, what about all these other people who
9 released information? Well let's not -- let's
10 not worry about them.

11 Have you -- and I guess you have answered
12 this, but since the departure of Mary Brackin,
13 have you been called upon to investigate any
14 other employee of the judicial department?

15 A. Not to my knowledge.

16 Q. Now, can you tell me pursuant to what
17 authority -- but, first, two questions then
18 I'm through.

19 Do you know who instructed the judge to
20 tell her employees to have no contact with
21 Mary Turner?

22 A. I had a conversation with her about that.

23 Q. Okay. Can you tell me pursuant to what

0111

1 authority can the internal affairs department
2 instruct a citizen not to contact another
3 citizen? What authority?

4 MS. NELSON: Object to the form. It
5 was --

6 Q. You said you did it, so I'm trying to find out
7 what authority.

8 MS. NELSON: Object to form. It was not
9 citizen to citizen.

10 MR. JAFFREE: Excuse me.

11 Q. Is Mary Brackin a citizen?

12 A. Yes. And she's also employed by the City of
13 Dothan which would make her a governmental
14 employee up under the City of Dothan's
15 umbrella. And under that is why they were
16 directed to not speak to one another during an
17 ongoing investigation.

18 Q. Well, I'm trying to find out by what authority
19 do you have to tell one employee to make no
20 contact with another employee?

21 A. And I don't quite understand your word or your
22 definition of what authority, but my police --
23 I was working under the authority of the

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1 police chief at the time.

2 Q. So other than the police chief, can you point
3 to me anything that gives the police chief the
4 authority to tell somebody from another
5 department not to communicate or not to make
6 contact with a person in that department?

7 A. The judge is actually who told them that.

8 Q. The judge told them that.

9 A. I talked to the judge about having the
10 employees not make contact with Ms. Turner in
11 reference to this ongoing investigation that
12 we had. The judge directed her people in her
13 department --

14 Q. I see.

19 Q. Did the chief instruct you to tell the judge
20 to have her people make no contact with
21 Ms. Turner?

22 A. No.

23 Q. You did this on your own initiative?

0113

1 A. Yes.

11 Did you indicate to the judge how long
12 this no-contact directive should stay in
13 place?

14 A. I just said during the investigation, while it
15 was ongoing.

16 Q. Did you advise the judge when the
17 investigation had been completed?

18 A. She did receive a report.

19 Q. From whom?

20 A. It would have come from the chief of police,
21 I'm assuming.

22 Which investigation are you referring to?

23 Q. Well, we're talking about the investigation of

0116

1 the ticket, the investigation that the judge
2 had told them to make no contact, during that
3 investigation.

4 A. Oh, the release of information?

5 Q. No, not the release of information

6 investigation. We're talking about the ticket
7 investigation.

8 MS. NELSON: Let's make the Record clear.
9 The Mary Turner ticket-fixing
10 investigation.

11 MR. JAFFREE: Well, yeah, but --

12 MS. NELSON: After which Mary Turner was
13 suspended.

14 MR. JAFFREE: And after which it turned
15 out there was no ticket fixing.

16 MS. NELSON: And she was indicted.

17 MR. JAFFREE: And she was not indicted for
18 any ticket fixing. It was a
19 misdemeanor.

20 MS. NELSON: Well, she was charged with
21 extortion.

22 MR. JAFFREE: She was not charged with
23 extortion. She was charged with

0117

1 something dealing with misapplying
2 records. She was not charged with
3 extortion.

4 MS. NELSON: She was charged with a
5 criminal offense.

6 MR. JAFFREE: She was charged with a
7 misdemeanor.

8 MS. NELSON: Well, we could sit here and
9 banter back all day.

10 MR. JAFFREE: I can prove my point.

11 MS. NELSON: Let's make the Record clear,
12 that the question on the table was
13 what?

14 MR. JAFFREE: The question on the table
15 was --

16 MS. NELSON: How long --

17 Q. Did you inform her that the investigation was
18 complete?

19 MS. NELSON: The investigation into the
20 Mary Turner ticket fixing.

21 Q. The investigation involving Mary Turner and
22 the ticket. Did you inform the judge when
23 that investigation was complete?

0118

1 A. I prepared the report, and I submitted it to
2 Chief John Powell. And it was subsequently

3 given to the judge.

4 Q. What was -- and this was involving the ticket?

5 A. That's what you -- you asked me about.

6 Q. Is that what you're talking about, is the one
7 involving?

8 MS. NELSON: The Mary Turner ticket with
9 Bradley Phelps?

10 Q. You prepared that report?

11 A. Yes.

12 Q. And did you tell her then that the
13 investigation was complete?

14 A. I don't know if I told her it was complete. I
15 submitted a report upon the completion of the
16 investigation.

17 Q. Well, what date did you submit that report?

18 A. On or about May the 2nd of 2005.

19 Q. So there should have been no contact with
20 Ms. Turner from March the 10th until May the
21 2nd; is that correct?

22 MS. NELSON: Object to the form. He just
23 said that's when he turned in the

0119

1 report.

2 A. I don't think that's correct.

3 Q. Well, that's what you implied, that she was
4 notified that the investigation was complete
5 when you turned in the report. You turned in
6 the report in May. So it was your
7 understanding, there should be no contact with
8 Mary Turner until May?

9 A. The directive not to talk to Ms. Turner I
10 don't -- I'm not certain, but I don't believe
11 it came at the same time that this report
12 was --

13 MS. NELSON: No. We're confusing things.

14 Q. Follow me carefully. Do not talk to her
15 during investigation of the ticket.

16 A. Pardon me?

17 Q. The mandate was to not talk to Ms. Turner
18 during the investigation involving, as counsel
19 would say, ticket fixing?

20 MR. JAFFREE: Did you like that? I'll go
21 along with the ticket fixing.

22 MS. NELSON: I'll say ticket. I just want
23 to make sure what ticket and what

0120

1 investigation we're talking about.
2 And I think we've established that
3 took place on or about May the 10th.
4 THE WITNESS: Yeah, that's correct.
5 MS. NELSON: Of 2005.
6 THE WITNESS: That's correct.
7 MS. NELSON: Just trying to move things
8 along.

9 A. That's correct.

10 Q. So the first word that the judge would have
11 had that the investigation was complete would
12 have been in May of 2005?

13 MS. NELSON: Object to the form. The
14 internal affairs investigation?

15 Q. Internal affairs investigation, May of 2005?

16 A. That's correct, when my report was finished.

17 Q. So your mandate would have been, nobody have
18 any contact with Mary Turner for two months?

19 A. As it relates to the criminal -- excuse me,
20 not the criminal investigation, as it relates
21 to the investigation.

22 Q. Well, do you know whether or not Mary Beth had
23 any contact with Mary Turner involving the

0121

1 criminal investigation?

2 A. I don't know whether they had contact
3 involving a criminal investigation or not.

4 Q. Well, there was --

5 A. They had contact during the administrative
6 investigation.

7 Q. All right. During the administrative. Do you
8 know if they -- do you know if Mary Beth
9 contacted Mary Turner about the ticket
10 investigation?

11 A. I know that Mary -- could you rephrase -- say
12 that again?

13 Q. Let me ask it a different way: Based on
14 information that you got from Mary Brackin,
15 what was the nature of her contact with Mary
16 Turner?

17 A. She stated that she needed to obtain a
18 show-cause letter and get the, quote, unquote,
19 setup on it -- I believe were her words she
20 used -- in reference to a show-cause letter.

21 Q. If that statement is true, then did that have
22 anything to do with contacting Mary Turner
23 about the investigation?

0122

1 MS. NELSON: Object to the form.

2 A. It doesn't have anything to do with contacting
3 her about the investigation, but she wasn't
4 supposed to contact with her.

5 Q. Well, did you expect your directive to be all
6 inclusive to no-contact at any time for any
7 reason?

8 A. During the course of the ongoing
9 investigation -- let me refer back to the
10 directive that was given.

11 (Brief pause)

12 A. Yes. The directive was to strictly refrain
13 from any contact with Ms. Turner while the
14 internal affairs investigation was underway
15 and not to discuss with anyone the matter --
16 the matter of the investigation.

17 Q. So that was all contact of any nature,
18 correct?

19 A. It says, any contact.

20 Q. Did you think through the consequences of your
21 suggestion when you made it to the judge?

22 MS. NELSON: Object to the form.

23 A. Was that a question? I'm sorry.

0123

1 Q. Yeah. Did you think through the consequences?

2 A. Through --

3 MS. NELSON: Object to the form.

4 A. What do you mean?

5 Q. Well, that you was -- wait a minute. Let
6 me -- since you haven't answered that yet, let
7 me --

8 MS. NELSON: He doesn't understand you.

9 He says, what do you mean. I've
10 objected.

11 Q. I'm going to replace it with another question
12 that may make it easier for you to understand.

13 Were you aware that Mary Beth and Mary
14 Turner were close friends?

15 A. Yes.

16 Q. That they socialized with each other?

17 A. That, I don't know.

18 Q. Did you expect that for the period of time it
19 took for the investigation to be completed,
20 Mary Beth and Mary Turner should cease having
21 any kind of social relationship with each
22 other?

23 A. Well, if I recall right, the judge told them
0124
1 that any contact with Mary Turner should go
2 through her -- should go through her and would
3 be approved by her. So to me, with that
4 stipulation there, that doesn't mean 100
5 percent that it's no possibility whatsoever.
6 She just needed to approve it as the
7 investigation was ongoing.

8 Q. So every contact had to be precleared through
9 the judge?

10 A. Yes, if there was to be contact during this
11 investigation.

12 Q. Even contact after hours?

13 A. I'd have to make an assumption. The directive
14 was for them not to have contact. If they had
15 to do -- to have contact with her, contact the
16 judge pretty much for direction.

17 Q. And if they were going to meet in church,
18 contact the judge?

19 A. I'm not reading between any lines. That was
20 just what was said. And the interpretation of
21 that is, I guess, what you're asking for?

22 Q. Uh-huh (positive response).

23 Now, have you ever given a non-police

0125
1 officer employee of the City of Dothan that
2 type of directive before?

3 MS. NELSON: What -- not to --

4 Q. To not contact their friends?

5 MS. NELSON: Object to the form. Not to
6 discuss an ongoing criminal
7 investigation, not to contact somebody
8 under suspicion?

9 MR. JAFFREE: Forget about the --

10 MS. NELSON: No. I think you need to ask
11 him --

12 Q. Don't contact their friends?

13 MS. NELSON: Object to the form. That's
14 totally --

15 Q. You bifurcated these statements that the judge
16 made. You said, don't discuss the criminal
17 investigation. No contact. You made them two
18 separates things.

19 MS. NELSON: The directive was not to have
20 contact with your friends; it was to
21 have contact with an employee who was
22 under investigation.

23 Q. But if the employee was their friend, no

0126

1 contact would mean don't contact your friend.

2 MS. NELSON: Object to the form, if that's
3 a question.

4 A. As it relates to their friendship, I testified
5 earlier that I don't have any knowledge
6 whether they're close friends or just
7 co-workers.

8 Q. Let me give you a hypothetical and see if you
9 think the directive would apply to this.

10